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FAA-01-8994-15

29 Aug 97

Federal Aviation Administration
Office of the Chief Counsel
Attn: Rules Docket (AGC-200, Docket No. 28903)
800 Independence Avenue SW
Washington, DC 20591

Subject: Notice of Proposed Rulemaking
Docket Number 28903; NPRM 97-7, RIN 2120-AF68
Type Certification Procedures for Changed Products

Dear Sir(s):

Fairchild Aircraft Incorporated (FAI) is one of the two US manufacturers of commuter category airplanes. Fairchild employs people with extensive experience in design, certification, production and operation of 19 passenger seat airplanes for the commuter market. We are qualified to comment on this proposal, and the future of the commuter airline industry is of vital interest to us. Therefore, we offer the following comments on this Notice of Proposed Rulemaking:

NPRM 97-7 states that the problem is a need to amend "procedural regulations need to be changed to correspond with the trend toward fewer new type certificates."

Fairchild disagrees. The number of type certifications is in itself neither a reason for procedural modification, nor justification for sweeping revision of the certification process. The issue of product safety is, however, a powerful argument for product improvement. The safety aspect of aeronautical products is currently addressed by the FAA through continual monitoring of malfunction or defect reports, issuance of Airworthiness Directives, and by manufacturers via service bulletins. These changes become progressive modifications and are included in type design of newly produced aircraft. These improvements are not keyed to the latest regulations, never-the-less enhance safety of newly manufactured airplanes.

Fairchild disagrees with the statement of the problem. Rather than a trend for fewer new type certificates, we believe the overriding reason for this proposed change in certification requirements is more accurately stated under "Recent FAA Actions" in the NPRM. Specifically in the statement that "growing international concern that some changed products are given an unfair competitive advantage over those that are of new design and must comply with later standards."

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Requiring modification approvals to comply with the rules in place at the time of modification will only reduce voluntary product improvements. Faced with complex and expensive re-certification, the trend will be for manufacturers to continue production without modification.

The International Certification Procedures Task Force (ICPTF) formulated recommendations and procedures for regulatory text and associated advisory material for the FAA to consider. Some of the committee's input is contained in NPRM 97-17, however 97-17 is not as clear and concise as was the ICPTF/ARAC proposal.

The associated Advisory Circular material should be included with 97-7 as part of a comprehensive proposal. All comments for the procedural changes, and also the Advisory Circular should be returned to the ICPTF and ARAC for consideration, consolidation and modification of the regulatory package. When completed the documents should be rerouted for final comments.

Whatever the ultimate change, the same rules and interpretations should be made applicable to all modified products, whether the applicant is the certificate holder or someone applying for a supplemental type approval.

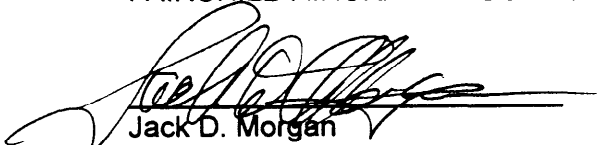
Finally, one significant problem still remains, and in no way is corrected by the proposed legislation. It is the fact that the traveling public is unaware of the total picture. Seeing two aircraft of identical manufacture, in the identical paint scheme, and sitting side beside on the gate at the terminal, one assumes equal levels of safety for both airplanes. This is not true! One airplane could be certificated under SFAR41, and does not have the capability to continue takeoff after an engine failure at maximum weight, while the other certificated under FAR 23, Amendment 34 does have single engine climb capability.

Both aircraft were appropriately certificated under the "latest rules", both are flying today, yet there is a different level of safety not apparent to the typical commercial passenger. Both airplanes were certificated to "the latest regulations", but the competition becomes unfair when older aircraft are allowed to operate under looser performance requirements.

In summary, the proposed change is only a Band-Aid applied to a serious problem, and does nothing to even the playing field. The proposed amendment, through exceptions, etc., results in few changes in the way we are currently operating, since special conditions effectively require certification to the latest standards even now. However, if approved as presented, NPRM 97-7 will only create more bureaucratic paper work, and will increase cost of the certified product without compensating increases in safety.

Yours truly,

FAIRCHILD AIRCRAFT INCORPORATED



Jack D. Morgan
Chief Aviation Safety & Airworthiness

CC: E. Aflatooni, FAA File (2), J. Schmidt, MIDO-43
Submitted in Triplicate